

# ReedSmith

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January 13, 2015

## Via ECF and Electronic Mail

The Honorable Andrew L. Carter  
U.S. District Court Judge  
U.S. District Court  
for the Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

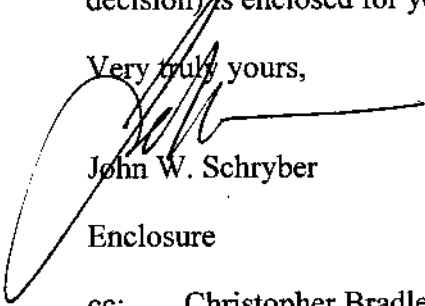
**Re: Philadelphia Indemnity Insurance Co. v. SC Academy Holdings, Inc., et al., 1:14-cv-07025-ALC**

Dear Judge Carter:

The undersigned represents Defendants The Culinary Academy of Long Island, Inc., The Culinary Academy of New York, Inc., SC Academy Holdings, Inc., and SC Academy, Inc. (collectively, "Star") in the above-captioned insurance coverage case.

Currently pending before the Court is the Star Defendants' Motion to Dismiss on federal abstention grounds based on the existence of a parallel insurance coverage action currently proceeding in New Jersey Superior Court. See ECF Nos. 17-20, 25-26. We write to inform you of the most recent judicial decision by the presiding judge in that litigation interpreting the subject insurance policies. On December 19, 2014, the Honorable Robert G. Millenky in New Jersey Superior Court, Camden County granted Star's Motion for Partial Summary Judgment regarding the applicability of particular directors and officers liability policies – policies which are at issue in the action pending before Your Honor. A copy of the official transcript from the December 19<sup>th</sup> hearing (including Judge Millenky's bench decision)<sup>1</sup> is enclosed for your reference.

Very truly yours,



John W. Schryber

Enclosure

cc: Christopher Bradley, Esq.  
Martin J. O'Leary, Esq.

<sup>1</sup> Please note that the cover page of the enclosed transcript contains a typographical error in naming the plaintiffs in the New Jersey action. It incorrectly names the plaintiffs as "Philadelphia Culinary Academy, et al.," but of course the plaintiffs are actually Culinary Academy of Long Island, Inc., et al. The parties will be requesting a revision to correct this error. Philadelphia Indemnity Insurance Co. has informed us they may be suggesting additional revisions to this official transcript.